

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

CURTIS WAYNE PEELER,

Petitioner,

v.

//

CIVIL ACTION NO. 1:10CV196
(Judge Keeley)

WARDEN KUMA DEBOO,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION (DKT. 17),
GRANTING MOTION TO DISMISS (DKT. 13), AND
DISMISSING § 2241 PETITION WITH PREJUDICE

Pending before the Court is the Report and Recommendation ("R&R") of United States Magistrate Judge James E. Seibert, recommending that the Court grant the motion to dismiss, or in the alternative for summary judgment, filed by the respondent in this § 2241 action. The pro se petitioner failed to respond to both the motion to dismiss and the R&R, despite being warned that such a failure would waive his right to object to dismissal of this petition.

Accordingly, the Court **ADOPTS** the R&R (dkt. 17) in its entirety, **GRANTS** the motion to dismiss (dkt. 13), and **DISMISSES** this case **WITH PREJUDICE**.

It is so **ORDERED**.

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court directs the Clerk to prepare a separate judgment order and to transmit copies of both orders to counsel of record, and to the pro se petitioner via certified mail, return receipt requested.

Dated: April 5, 2011.

/s/ Irene M. Keeley

IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE